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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

WELLS FARGO BANK,

Plaintiff,

v.

KEITH A. VANN,

Defendant.

No. C 12-04023 CRB

**ORDER DENYING MOTION AND EX  
PARTE MOTION FOR  
DECLARATORY JUDGMENT**

Defendant Keith Vann has filed a document entitled “Petitioner’s Motion and Ex Parte Motion for Declaratory Judgment.” See dkt. 37. This Motion is DENIED. The Court remanded Defendant’s case on August 10, 2012. See dkt. 8. The Court terminated Defendant’s case the same day. See dkt. 10. The Court therefore lacks jurisdiction to adjudicate the merits of Defendant’s Petition. See *Moore v. Permanente Med. Grp., Inc.*, 981 F.2d 443, 445 (9th Cir. 1992) (district court is divested of jurisdiction on the merits after remand). Moreover, Defendant has filed an appeal in this case. See dkt. 25. Generally, a district court lacks jurisdiction after a notice of appeal is filed. See *Morris v. Morgan Stanley & Co.*, 942 F.2d 648, 654 (9th Cir. 1991). Defendant must seek his desired relief elsewhere.

**IT IS SO ORDERED.**

Dated: October 25, 2012

  
CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE